

STATE OF MICHIGAN  
COURT OF APPEALS

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EDWIN C. JUTILA,

Plaintiff/Counter Defendant-  
Appellant,

v

GINA M. JUTILA,

Defendant/Counter-Plaintiff-  
Appellee.

UNPUBLISHED  
November 13, 2008

No. 282961  
Houghton Circuit Court  
LC No. 06-013383-DO

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Before: Beckering, P.J., and Borrello and Davis, JJ.

BECKERING, P.J. (*dissenting*).

I would remand to the trial court for a more complete articulation of its findings of fact and conclusions of law. The trial court indicated that it “is well aware of the factors which it must consider in dividing a couple’s assets and liabilities at the time of divorce, as well as the matters which must be taken into account in determining whether assets are marital, or premarital or separate.” The court did not, however, articulate how it analyzed the factors or state what determinations it had made with regard to the contested property in terms of what was marital, what was separate, and whether it was relying on one of the statutory exceptions to invade separate property as set forth in MCL 552.23(1) (insufficient estate and effects awarded to a party for suitable support and maintenance) and MCL 552.401 (contribution to the acquisition, improvement, or accumulation of the property). While it appears that the trial court rendered an equitable division of assets under the factors to be considered, it did not sufficiently articulate its findings of fact and conclusions of law to allow for a meaningful appellate review.

/s/ Jane M. Beckering